

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

U.S. SECURITIES AND EXCHANGE COMMISSION,	)	
	)	
Plaintiff,	)	
v.	)	
	)	Action No. 21-CV-12088
VLADISLAV KLIUSHIN	)	
(a/k/a VLADISLAV KLYUSHIN)	)	
NIKOLAI RUMIANTCEV	)	
(a/k/a NIKOLAY RUMYANTCEV),	)	
MIKHAIL IRZAK,	)	
IGOR SLADKOV, and	)	
IVAN YERMAKOV	)	
(a/k/a IVAN ERMAKOV),	)	
	)	
Defendants.	)	
	)	
	)	

**ANSWER TO COMPLAINT ON BEHALF OF VLADISLAV KLIUSHIN**

The Defendant, Vladislav Kliushin, by and through undersigned counsel, hereby answers the Complaint in the above-captioned matter. In providing this unsworn and nontestimonial Answer, Defendant does not intend to, and does not, waive any privileges in this or any other proceeding, including but not limited to the privilege against self-incrimination guaranteed by the Fifth Amendment to the United States Constitution. Defendant reserves the right to assert any such applicable privileges in this or any other proceedings.<sup>1</sup> Defendant answers the Complaint in this matter as follows:

The first paragraph of the Complaint is a statement regarding who the Complaint is being brought against. No response appears necessary to this paragraph.

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<sup>1</sup> Mr. Kliushin is criminally charged with conduct that relates to the allegations of this case, *see United States v. Klyushin, et. al.*, Dkt. 21-cr-10104-PBS. Mr. Kliushin reserves the right to withdraw his Fifth Amendment privilege and submit an Answer in the future.

**SUMMARY**

1. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 1.

2. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 2.

3. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

4. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

5. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 5

6. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 6.

7. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 7.

8. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 8.

9. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 9.

10. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 10.

**NATURE OF PROCEEDING AND RELIEF SOUGHT**

11. Paragraph 11 of the Complaint states legal conclusions for which no responsive pleading is required.

**JURISDICTION AND VENUE**

12. Paragraph 12 of the Complaint states legal conclusions for which no responsive pleading is required.

13. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 13.

14. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 14.

**DEFENDANTS**

15. Defendant admits that he is a Russian citizen who resides in Moscow, Russia and is the founder of the IT Company. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to the remaining allegations of Paragraph 15.

16. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 16.

17. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 17.

18. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 18.

19. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 19.

**THE HACKED SERVICES**

20. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

21. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

**TERMS USED IN THIS COMPLAINT**

**Short-Selling**

22. Paragraph 22 of the Complaint is the definition of a term used throughout the Complaint. No response appears necessary to this paragraph.

**Contract for Difference**

23. Paragraph 23 of the Complaint is the definition of a term used throughout the Complaint. No response appears necessary to this paragraph.

24. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 24.

**IP Address**

25. Paragraph 25 of the Complaint is the definition of a term used throughout the Complaint. No response appears necessary to this paragraph.

26. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

27. Defendant is without sufficient knowledge or information to form a belief as to

the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

### **Domain**

28. Paragraph 28 of the Complaint is the definition of a term used throughout the Complaint. No response appears necessary to this paragraph.

### **Virtual Machine**

29. Paragraph 29 of the Complaint is the definition of a term used throughout the Complaint. No response appears necessary to this paragraph.

### **Malware**

30. Paragraph 30 of the Complaint is the definition of a term used throughout the Complaint. No response appears necessary to this paragraph.

## **FACTS**

### **Overview of the Hack-to-Trade Scheme**

#### ***The Hacking and Trading***

31. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

32. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

33. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 33.

34. Defendant asserts his Fifth Amendment privilege against self-incrimination in

response to Paragraph 34.

35. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 35.

***Yermakov's Relationship and Profit-Sharing with the Trader Defendants***

36. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 36.

37. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

38. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 38.

39. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 39.

40. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 40.

41. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

42. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 42.

***Yermakov's Deceptive Hacks of the Servicers' Systems***

43. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes

of Fed. R. Civ. P 8.

**Yermakov's Deceptive Hacks of Servicer A**

44. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

45. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

46. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

47. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

48. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

49. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

***Yermakov's Deceptive Hacks of Servicer B***

50. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes

of Fed. R. Civ. P 8.

51. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

52. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

53. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

54. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

55. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 55.

56. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

**Unlawful Trading Based on the Hacked Earnings Announcements**

57. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 57.

58. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 58.



59. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 59.

60. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 60.

61. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 61.

62. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 62.

63. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 63.

64. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 64.

**Statistical Analysis of the Trader Defendants' Unlawful Trading**

65. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 65.

66. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 66.

67. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 67.

68. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 68.

69. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 69.

70. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 70.

**Examples of Unlawful Trading by the Trader Defendant Based on Hacked Earnings Announcements Provided by Yermakov**

71. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 71.

**The October 2019 Earnings Release of Issuer B**

72. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

73. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

74. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

75. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

76. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 76.

77. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

78. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

79. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

80. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 80.

81. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

82. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

83. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

84. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 84.

#### **The November 2019 Earnings Release of Issuer C**

85. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

86. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

87. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 87.

88. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 88.

89. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 89.

90. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

91. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

92. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

93. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 93.

94. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 94.

95. Defendant is without sufficient knowledge or information to form a belief as to

the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

96. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 96.

**The December 2019 Earnings Announcement of Issuer D**

97. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

98. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

99. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

100. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 100.

101. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 101.

102. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

103. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 103.

104. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

105. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

106. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 106.

107. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 107.

108. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

**The January 2020 Earnings Release of Issuer E**

109. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

110. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

111. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

112. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 112.

113. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

114. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

115. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

116. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 116.

117. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

118. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

119. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

120. Defendant asserts his Fifth Amendment privilege against self-incrimination in

response to Paragraph 120.

121. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, which should be construed as a specific denial for purposes of Fed. R. Civ. P 8.

***Certain Trader Defendants Lied to Cover Up Their Illegal Trading***

122. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 122.

**The Trader Defendants Knowingly or Recklessly Participated In and Substantially Assisted Yermakov's Hacking Scheme**

123. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 123.

**CONCLUSION**

124. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 124.

125. Defendant asserts his Fifth Amendment privilege against self-incrimination in response to Paragraph 125.

**FIRST CLAIM FOR RELIEF**  
**Violation of Securities Acts Section 17(a)**  
**(Against All Defendants)**

126. Answering Paragraph 126 of the Claims for Relief section of the Complaint, Defendant repeats and incorporates his responses to Paragraphs 1 through 125 above as though set forth fully herein.

127. Paragraph 127 states legal conclusions for which no responsive pleading is required.

128. Paragraph 127 states legal conclusions for which no responsive pleading is



required.

**SECOND CLAIM FOR RELIEF**  
**Violation of Section 10(b) of the Exchange Act and Rule 10b-5 Thereunder**  
**(Against All Defendants)**

129. Answering Paragraph 129 of the Claims for Relief section of the Complaint, Defendant repeats and incorporates his responses to Paragraphs 1 through 125 above as though set forth fully herein.

130. Paragraph 130 states legal conclusions for which no responsive pleading is required.

131. Paragraph 131 states legal conclusions for which no responsive pleading is required.

**THIRD CLAIM FOR RELIEF**  
**Violation of Section 20(b) of the Exchange Act**  
**(Against Trader Defendants)**

132. Answering Paragraph 132 of the Claims for Relief section of the Complaint, Defendant repeats and incorporates his responses to Paragraphs 1 through 125 above as though set forth fully herein.

133. Paragraph 133 states legal conclusions for which no responsive pleading is required.

134. Paragraph 134 states legal conclusions for which no responsive pleading is required.

**FOURTH CLAIM FOR RELIEF**  
**Aiding and Abetting Violations of Securities Act Section 17(a)**  
**(Against Trader Defendants)**

135. Answering Paragraph 135 of the Claims for Relief section of the Complaint, Defendant repeats and incorporates his responses to Paragraphs 1 through 125 above as though

set forth fully herein.

136. Paragraph 136 states legal conclusions for which no responsive pleading is required.

137. Paragraph 137 states legal conclusions for which no responsive pleading is required.

138. Paragraph 138 states legal conclusions for which no responsive pleading is required.

**FIFTH CLAIM FOR RELIEF**  
**Aiding and Abetting Violations of Exchange Act**  
**Section 10(b) and Rule 10b-5 Thereunder**  
**(Against Trader Defendants)**

139. Answering Paragraph 139 of the Claims for Relief section of the Complaint, Defendant repeats and incorporates his responses to Paragraphs 1 through 125 above as though set forth fully herein.

140. Paragraph 140 states legal conclusions for which no responsive pleading is required.

141. Paragraph 141 states legal conclusions for which no responsive pleading is required.

142. Paragraph 142 states legal conclusions for which no responsive pleading is required.

**PRAYER FOR RELIEF**

The Prayer for Relief contains legal conclusions and requests for relief to which no response is required. To the extent an answer is required, Defendant requests that Plaintiff be denied all requested relief in Paragraphs A through D.

### **GENERAL DENIAL**

To the extent necessary, where not admitted, denied or qualified, Defendant denies each and every remaining allegation contained in the Complaint.

### **AFFIRMATIVE DEFENSES**

Without waiving his rights under the Fifth Amendment to the United States Constitution against compelled self-incrimination, Defendant alleges the following affirmative defenses with respect to each and every cause of action alleged in the Complaint, without assuming the burden of proof where the burden of proof rests on the plaintiff.

#### **FIRST AFFIRMATIVE DEFENSE**

The Complaint, and each of its purported claims, fails to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

The Complaint, and each of its purported claims, fails to plead fraud and scienter with particularity.

#### **THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claim for injunctive relief is barred because there has been no violation of the Securities Act or the Exchange Act and because there is no reasonable likelihood that any violation will be repeated.

#### **FOURTH AFFIRMATIVE DEFENSE**

The allegations of the Complaint do not state legally supportable claims under the federal securities law.

#### **FIFTH AFFIRMATIVE DEFENSE**

Defendant acted in good faith and not with requisite scienter.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitation.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, by the doctrines of accord and satisfaction, payment, release, and waiver.

**EIGHT AFFIRMATIVE DEFENSE**

Plaintiff's claims were brought in an improper venue.

**NINTH AFFIRMATIVE DEFENSE**

The Court lacks personal jurisdiction over the Defendant.

**ADDITIONAL DEFENSES**

Mr. Kliushin presently lacks sufficient knowledge or information on which to form a belief as to whether he may have available additional affirmative defenses. For this reason, Mr. Kliushin reserves his right to assert other affirmative and/or additional defenses.

**WHEREFORE**, Defendant Vladislav Kliushin demands judgment dismissing the Complaint and such other and further relief as the Court deems just and proper.

**JURY TRIAL DEMAND**

Defendant hereby demands trial by jury in the above-captioned action as to all issues and claims.

Respectfully Submitted,

Vladislav Kliushin,  
By His Attorney,

/s/ Maksim Nemtsev  
Maksim Nemtsev, Esq.  
Mass. Bar No. 690826  
20 Park Plaza, Suite 1000  
Boston, MA 02116  
(617) 227-3700  
menemtsev@gmail.com

Dated: February 22, 2022

**CERTIFICATE OF SERVICE**

I, Maksim Nemtsev, hereby certify that on this date, February 22, 2022, a copy of the foregoing documents has been served via Electronic Court Filing system on all registered participants.

/s/ Maksim Nemtsev  
Maksim Nemtsev